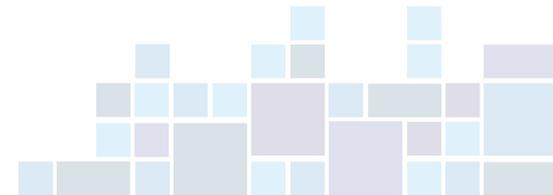


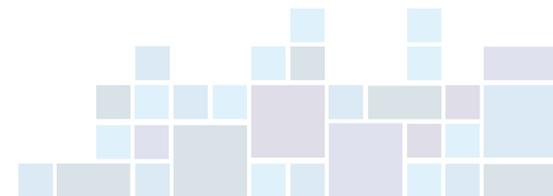
# Neighborhood Conservation in the Unified Development Ordinance

Ken Bowers, AICP  
Planning Director



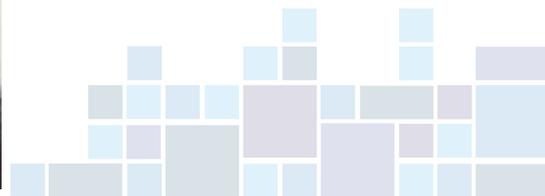
# Overview

- Zoning authority in North Carolina
- Residential zoning districts
- Infill development standards
- Neighborhood Conservation Overlay Districts
- Historic Overlay Districts



# History of Zoning

- 1916 New York City Zoning Resolution
- 1923 Standard State Enabling Act (U.S. Chamber of Commerce)
- 1926 U.S. Supreme Court upholds zoning in *Euclid v. Ambler*
- 1930 all states have adopted some form of the enabling act



# Purposes of Zoning

- Traditional
  - Health, safety, welfare
  - Light, air, open space
  - Congestion, overcrowding
  - Appropriate use of land
- Nouveau
  - Aesthetics
  - Community character
  - Economic development
  - Growth management

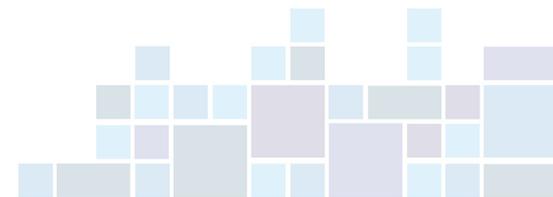


# 160A-383: Purposes in View

Zoning regulations shall be designed to promote the **public health, safety, and general welfare**. To that end, the regulations may address, among other things, the following public purposes: to provide **adequate light and air**; to prevent the **overcrowding of land**; to avoid undue concentration of population; to **lessen congestion in the streets**; to **secure safety from fire, panic, and dangers**; and to facilitate the **efficient and adequate provision of transportation, water, sewerage, schools, parks, and other public requirements**. The regulations shall be made with reasonable consideration, among other things, as to the **character of the district** and its peculiar suitability for particular uses, and with a view to **conserving the value of buildings** and **encouraging the most appropriate use of land** throughout such city.

# Prohibited Residential Regulations

- Exterior building color
- Type or style of exterior cladding material
- Style or materials of roof structures or porches
- Exterior nonstructural architectural ornamentation
- Location or architectural styling of windows and doors, including garage doors
- The number and types of rooms
- The interior layout of rooms.

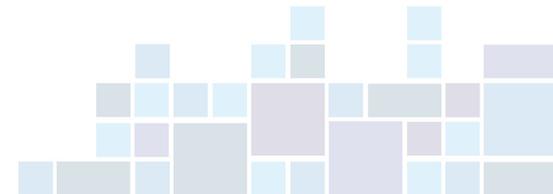


# Permitted uses in R Zones

	Detached	Attached	Townhouse	Apartment
R-1	✓			
R-2	✓	C		
R-4	✓	C	C	
R-6	✓	✓	C	C
R-10	✓	✓	✓	✓

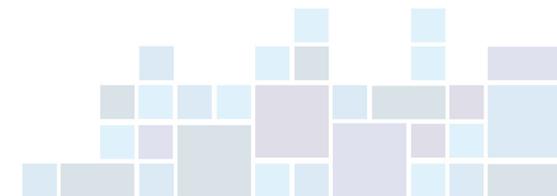
✓ = Principle permitted use

C = Conservation Subdivision Only



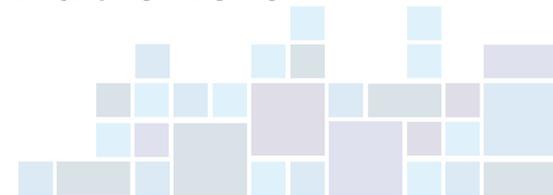
# Bulk standards in R Zones

	R-4	R-6	R-10
Lot area	10,000	6,000	4,000
Lot width	65	50	40
<b>Principal Building Setbacks</b>			
Front	20	10	10
Side	10	5 - 15	5 - 10
Rear	30	20	20
<b>Accessory Structure Setbacks</b>			
Front	50	50	50
Side	20	5	20
Rear	5	5	5
<b>Structure Height</b>			
Principal	45'/3 stories	45'/3 stories	45'/3 stories
Accessory	25'	25'	25'

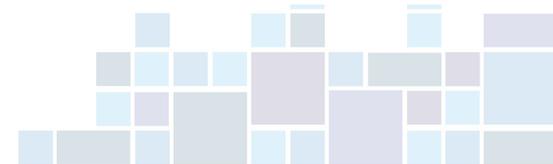
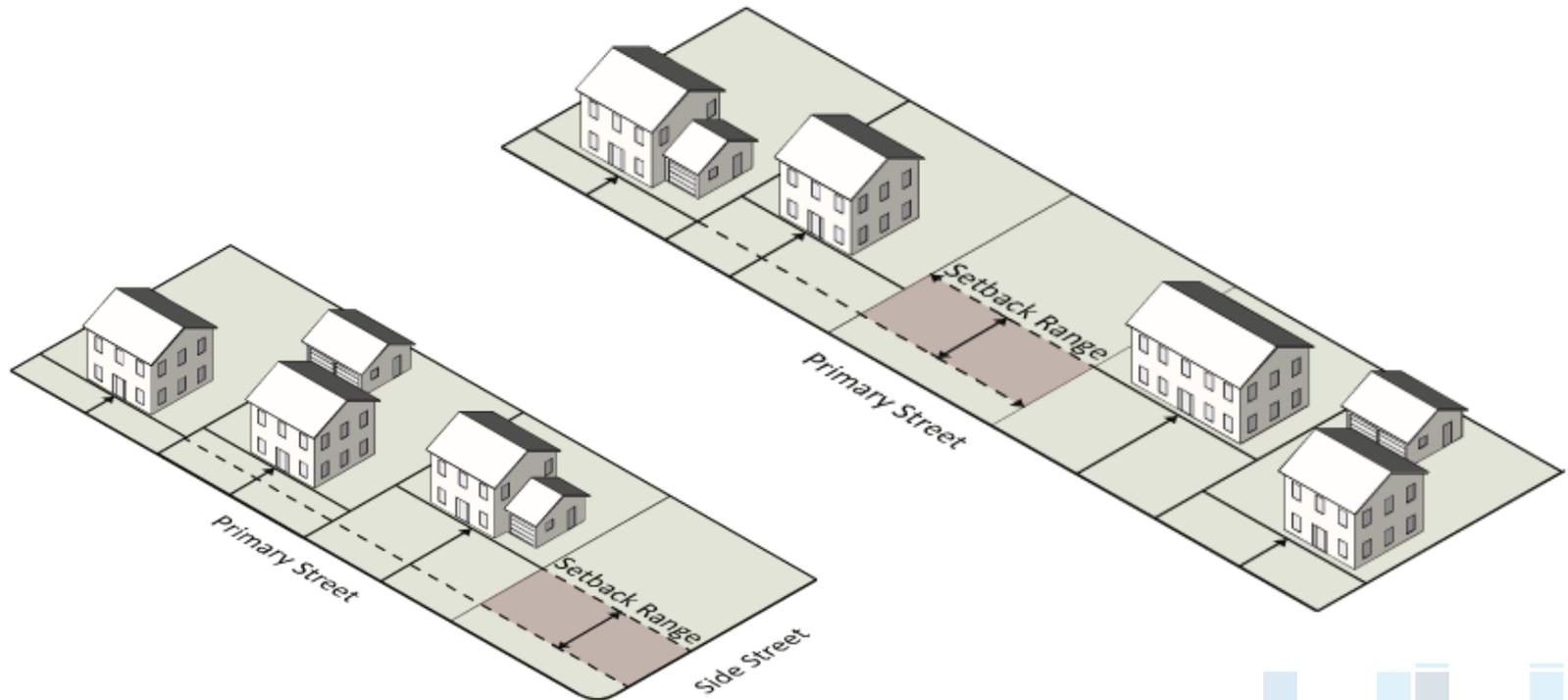


# Residential Infill Compatibility

- Applies in R-4, R-6 or R-10 district where:
  - The total site area is 5 acres or less;
  - At least 50% of the side and rear property lines abut existing detached or attached building types
  - The lot must have been recorded for at least 20 years, including subsequent recombinations or subdivisions of the original lot.

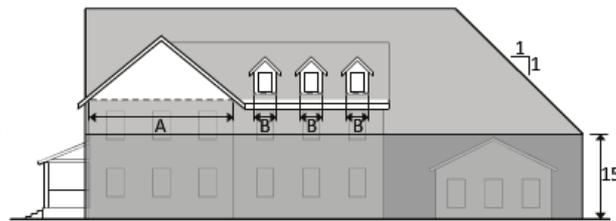
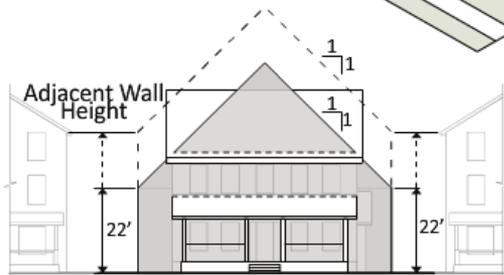
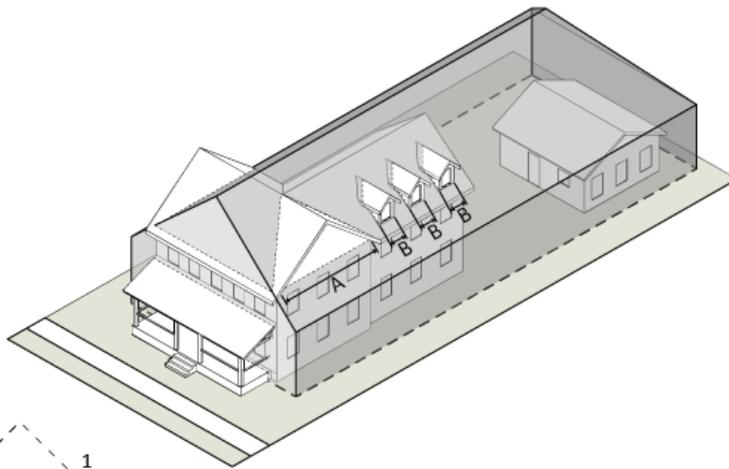


# Contextual Setbacks

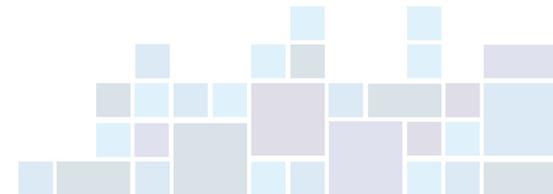


# Side Wall Height

- 22' or average of adjoining sidewalls
- Exceptions for side-gabled roofs and dormers
- Additional height with additional setback

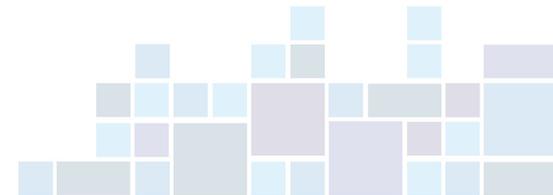
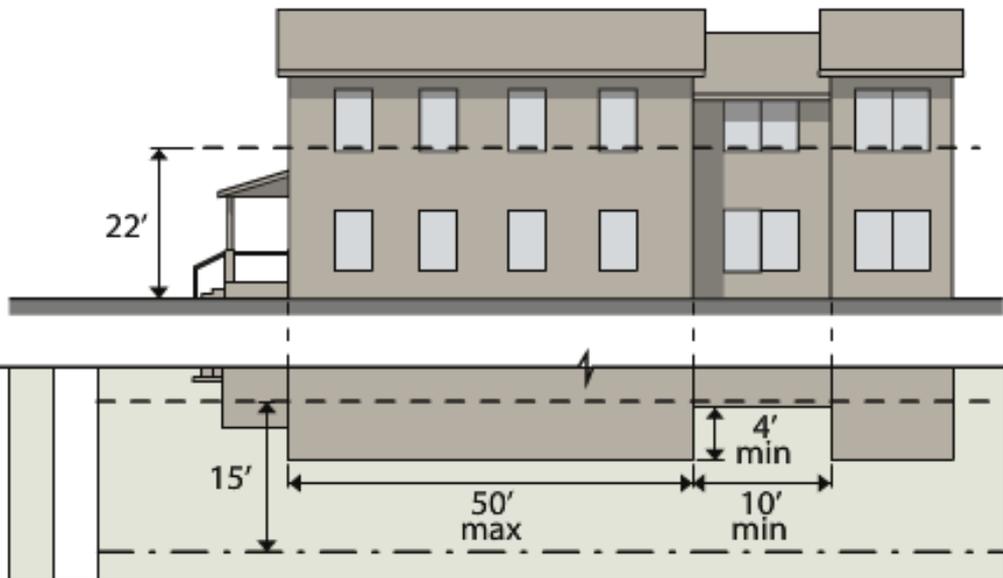


A= Not more than 30'  
B+B+B+...= Not more than 15'



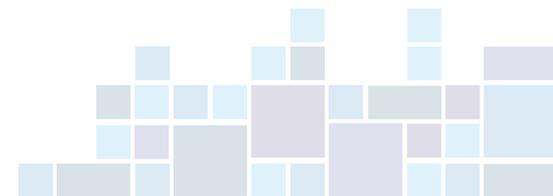
# Side Wall Length

- Articulation is required for side walls on additions or new construction that are 22 feet or taller and located within 15 feet of the side lot line.



# Neighborhood Conservation Overlay Districts (NCODs)

1. Required minimum net area
2. Maximum residential density
3. Setbacks
4. Height
5. Vehicular surface areas.

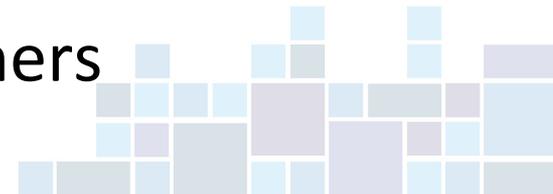


# Sample NCOD: Laurel Hills

	R-4	NCOD
Minimum lot size (square feet)	10,000	21,780
Minimum lot frontage (feet)	20	45
Minimum lot width (interior/corner)	65/80	100
Front yard setback (feet)	20	50
Maximum building height (feet)	40	35

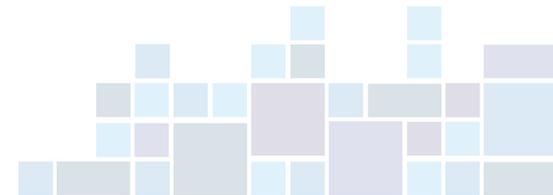
# NCOD Process

1. Petition City Council
2. Neighborhood study
3. UDO Text Change petition
4. Rezoning petition
  1. 15 contiguous acres, 75% developed
  2. Signed by majority of property owners



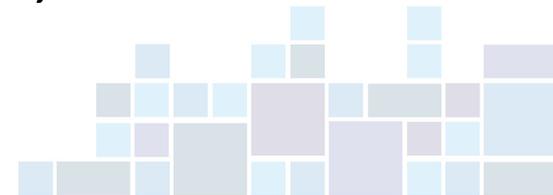
# Historic Overlay Zoning

- Certificate of Appropriateness (COA) review for new construction, additions, alternations, demolition, and moves
- Building height & placement can vary from base zoning
- Demolition of an historic structure can be delayed up to one year



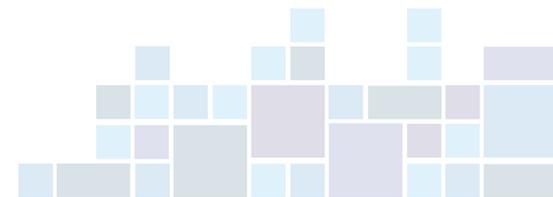
# Eligibility & Boundaries

- Based on an investigation and report describing the significance of the buildings, structures, features, sites or surroundings and a description of the boundaries of the district
- Review by the Historic Development Commission, NC Department of Cultural Resources, and Planning Commission (optional)

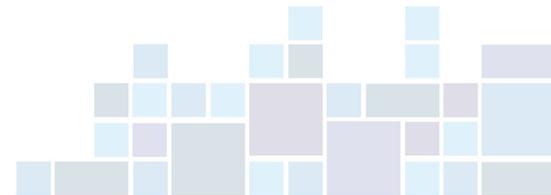


# HOD process

- Investigation & report of historic significance
- RHDC recommends boundaries
- Application is typically city-initiated
- Remaining process is similar to any other city-initiated rezoning



# Thanks!



# Neighborhood Conservation District (NCOD)

PNC Neighborhood Character Discussion

June 6, 2016

Bynum Walter, AICP

Senior Planner

# Agenda

- What is an NCOD?
- Creating a new NCOD



# What is an NCOD?

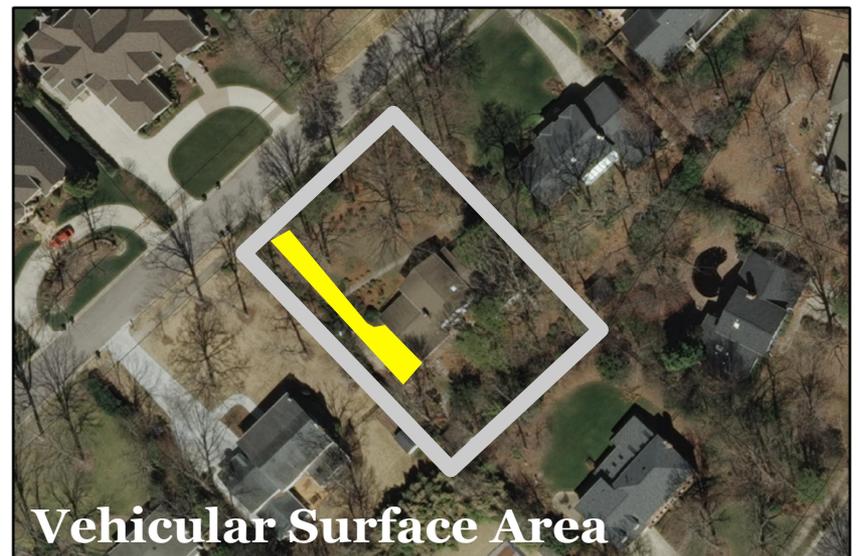
- Neighborhood Conservation District
- Overlay zoning district
- Regulation in addition to base zoning
  - Every property has zoning
  - Zoning regulates things like lot size, building setbacks, building height, and permitted uses

# What is an NCOD?

- Specific development standards for an identified neighborhood
- Intended to preserve the built character of an area
- 17 NCODs in current code + 1 being considered

# What can an NCOD regulate?

- Measurable features
- Lot size, width, frontage
- Maximum residential density
- Setbacks – front, back, and side; varies for midblock or corner lots
- Height
- Vehicular surface area



# What can't an NCOD regulate?

- Qualitative features
- Tree preservation and landscaping
- Building style or character
- Materials



# NCOD Requirements

## Minimum qualifications:

- At least 15 acres in area
- At least 75% of lots are already developed



# How to Create an NCOD

## 3-Part Process

1. Built Environmental Characteristics Study
2. Text Change - Define the NCOD and add to city code
3. Rezone – apply to property



### Built Environmental Characteristics and Regulations Report North Ridge South



#### Background

In early December, residents of the North Ridge South neighborhood in North Raleigh submitted a petition to City Council requesting consideration for a neighborhood built environmental characteristics and regulations analysis. This analysis is the first step in the potential creation of a Neighborhood Conservation Overlay District (NCOD). NCODs are zoning overlays that preserve and enhance the general quality and appearance of neighborhoods by regulating built environmental characteristics such as lot size, setbacks, residential density, building height, and vehicular surface area. NCODs generally apply more restrictive standards than base zoning districts. As stated in the citizens' petition, the intent behind the request is to maintain the current built character of the area and prevent subdivision of existing lots.

Per City Council's direction, Planning staff has completed an analysis of the particular built characteristics requested by the North Ridge South residents: lot size, lot frontage or lot width, front yard setback, and vehicular surface area. The petition also requested analysis of lot width at the building setback line, but this characteristic was removed from the analysis—with consent from the author of the petition—since the city's zoning code already requires that minimum lot widths extend for the entire depth of a parcel. This report presents results of the analysis.

# Part 1: Study

- Built Environmental Characteristics Study
  - Requested by Citizens Petition – studies measurable features of neighborhood
  - What features are common today?  
What is the predominant character?
  - Results presented to neighborhood meeting of affected property owners, then City Council



Built Environmental Characteristics  
and Regulations Report  
New Bern - Edenton



# Part 2: Text Change

- Authorized by City Council
- Proposed language reviewed by Planning Commission and City Council
- Decision process includes Public Hearing

# Part 3: Rezoning

- Rezoning application signed by more than 50% of affected property owners
- Requires neighborhood meeting with affected property owners
- Reviewed by Planning Commission and City Council
- Decision process includes Public Hearing

## Rezoning Process



★ Indicates opportunity for public input

# Thanks!

Read more in UDO Sec. 5.4.3. Neighborhood Conservation District (-NCOD)

Learn about NCOD in process, visit [www.RaleighNC.gov](http://www.RaleighNC.gov), search for North Ridge South NCOD

[bynum.walter@raleighnc.gov](mailto:bynum.walter@raleighnc.gov)

919-996-2178

# Historic Overlay Districts (HOD-G and HOD-S)

PNC Neighborhood Character Discussion

June 6, 2016

Tania Georgiou Tully

Preservation Planner

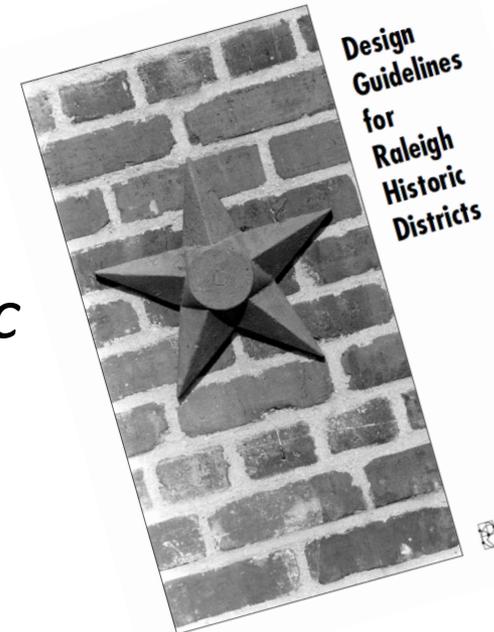
# Agenda

- What is an HOD?
- Two types of HOD
- Creating a new HOD



# What is an HOD?

- Intended to preserve and protect the built character of an area with special significance in history, prehistory, archaeology, architecture, culture
- Historic Overlay District
- General development standards (*Design Guidelines for Raleigh Historic Districts*) for all districts with Special Character Essays for the specific neighborhoods



# What can an HOD regulate?

- Exterior changes including:
  - Building form
  - Roof shape
  - Design elements
  - Setbacks
  - Height
  - Materials
  - Demolition
  - Tree removal
  - Color (except HOD-S)
  - And more

## ARTICLE XV — CERTIFICATE OF APPROPRIATENESS LIST

The following list is provided as a general outline of the level of review that may be expected for projects of this type and nature. It is not intended to be comprehensive, and cannot be used as a substitute for a project. The assignment of work to a review category is subject to change and may require a higher level of review.

### COA List of Work

A Certificate of Appropriateness is not necessary for **Routine Maintenance**, which includes repair or replacement where there is no change in the design, materials, or general appearance of elements of the structure or grounds. Certificates of Appropriateness are issued for all other projects. Any repair or replacement where there is a change in the design, materials, or general appearance is defined as an alteration and needs a Certificate of Appropriateness.

**Minor Work** projects are reviewed by the staff. Staff will refer Minor Work projects to the COA Committee for review if in staff's judgment the change involves alterations, additions, or removals that are substantial, do not meet the guidelines, or are of a precedent-setting nature.

**Major Work** projects are reviewed by the Commission's COA Committee. In general, major work projects involve a change in the appearance of a structure or site, and are more substantial in nature than routine maintenance or minor work projects, such as new construction, expansion of a building footprint, or significant changes in landscape features.

	TYPE OF WORK	STAFF REVIEW (minor work)	CERTIFICATE OF APPROPRIATENESS COMMITTEE (major work)
0	<b>ROUTINE MAINTENANCE</b> (includes repair or replacement where there is no change in the design, materials, or general appearance of elements of the structure or grounds)	NO REVIEW	NO REVIEW
1	Construction of a new primary structure		X
2	Additions less than 25% to a primary structure		X
3	Additions 25% or greater to a primary structure		X
4	Demolition of any primary contributing structure		X
5	Demolition of any primary non-contributing structure		X
6	Relocation of structures		X
7	Removal of any contributing part of a structure		X
8	Alteration/Removal of Archeologically Significant Features		X
9	Alteration of Accessory Structures with no expansion of building footprint	X	
10	New Accessory Structures with total area less than 144 sq. ft.	X	
11	New Accessory Structures with total area 144 sq. ft. or greater		X

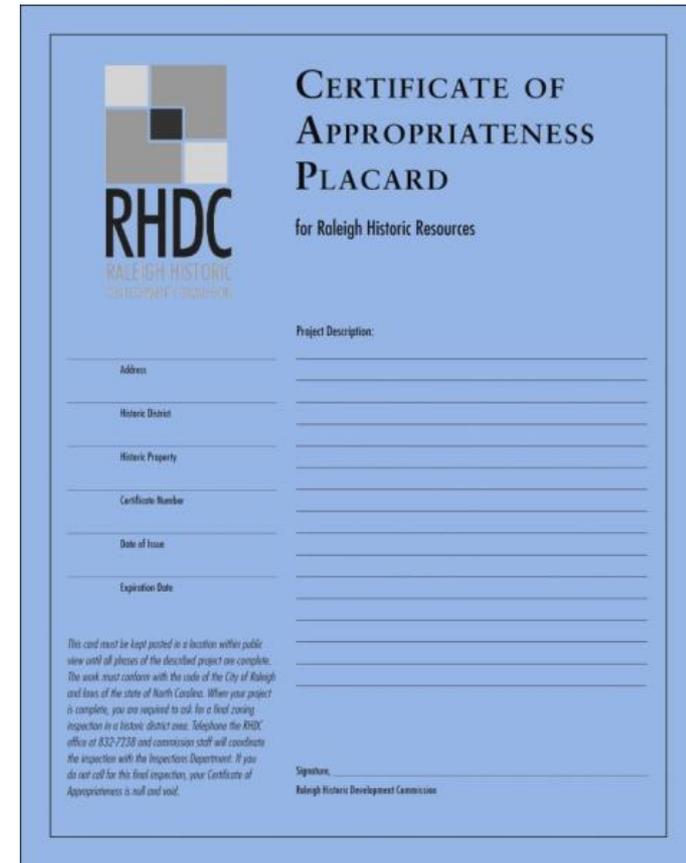
# What can't an HOD regulate?

- Use
- Lot size



# How is an HOD regulated?

- Certificate of Appropriateness (COA) Process
- Two levels of review
  - Major Work (evidentiary hearing)
  - Minor Work (administrative approval)
- Design Review



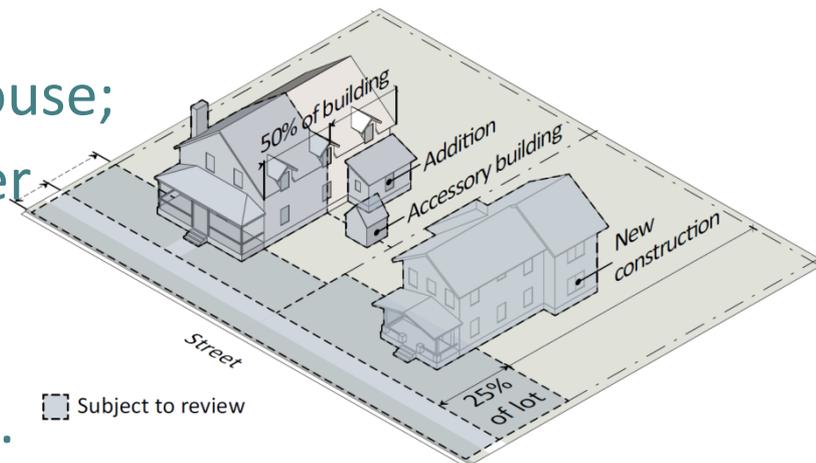
The image shows a blue placard form for a Certificate of Appropriateness. It features the RHDC logo (Raleigh Historic Development Commission) and the title 'CERTIFICATE OF APPROPRIATENESS PLACARD for Raleigh Historic Resources'. The form includes fields for Address, Historic District, Historic Property, Certificate Number, Date of Issue, and Expiration Date. A 'Project Description' section with horizontal lines is provided for project details. A signature line is at the bottom right, with the text 'Raleigh Historic Development Commission' below it. A disclaimer at the bottom left states: 'This card must be kept posted in a location within public view until all phases of the described project are complete. The work must conform with the code of the City of Raleigh and laws of the state of North Carolina. When your project is complete, you are required to call for a final zoning inspection in a historic district area. Telephone the RHDC office at 832-7230 and commission staff will coordinate the inspection with the Inspections Department. If you do not call for this final inspection, your Certificate of Appropriateness is null and void.'

# Two types of HOD

- General Historic Overlay District
  - All exterior changes require a COA
  - Oakwood, Boylan Heights, Prince Hall, Blount Street, Moore Square, Capitol Square
- Streetside Historic Overlay District
  - Exterior changes proposed that are visible from the street (as defined in UDO) required COA
  - Glenwood-Brooklyn

# Streetside HOD

- What is considered visible from the street?
  - The yard up to the front wall of the house;
  - First 25% of the depth of the lot for vacant lots;
  - First 50% of the depth of the house;
  - Additions that are taller or wider than the existing house;
  - New house on a vacant lot;
  - Accessory building in side yards.



# HOD Requirements

Special significance in terms of:

- history, prehistory, archaeology, architecture, culture

Possess integrity of:

- design, setting, materials, feeling and association



# How to Create an HOD

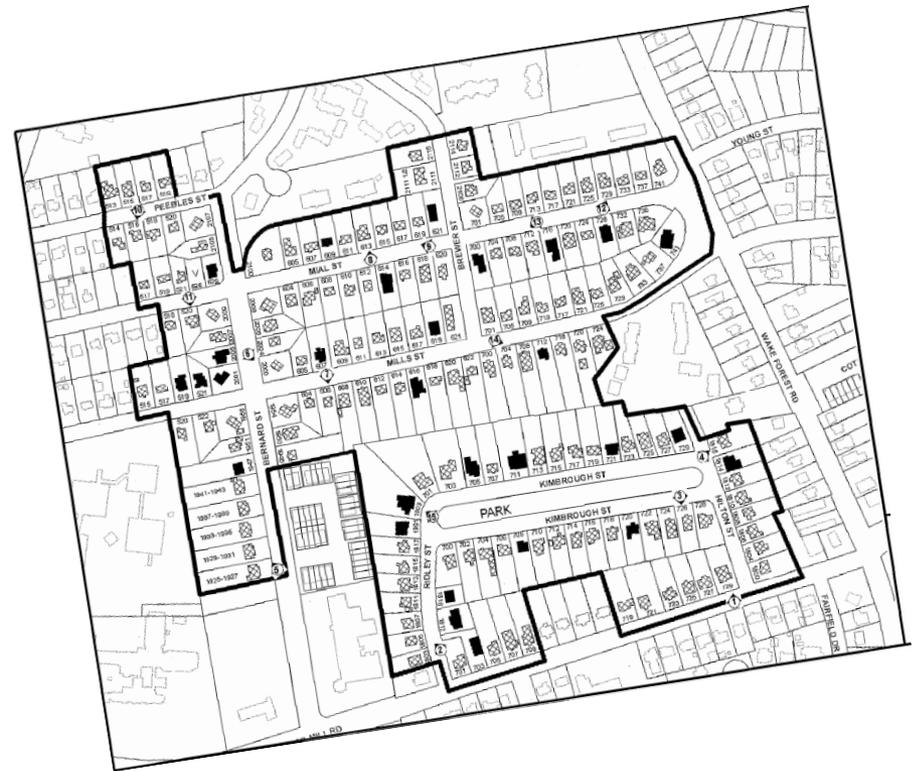
1. Required investigation and report describing the significance
2. Report review by RHDC & SHPO
3. Rezone – apply to property

The image displays two documents related to the rezoning process. On the left is a 'Rezoning Application' form from the Department of City Planning, Raleigh, NC. The form includes sections for 'REZONING REQUEST' (with checkboxes for General Use, Conditional Use, and Master Plan) and 'GENERAL INFORMATION' (with fields for Property Address, Property PIN, Nearest Intersection, Project Contact Person/Address, and contact details). A note at the bottom of the form states: 'A rezoning application will not be considered complete until all required submit components listed on the Rezoning Checklist have been received and approved.' The website 'WWW.RALEIGHNC.GOV' and 'REVISION 04.05.16' are also visible.

On the right is a 'Historic Research Report' document, adopted on 4/5/16. The report is titled 'HISTORIC RESEARCH REPORT FOR THE DESIGNATION OF THE GLENWOOD-BROOKLYN DISTRICT AS A HISTORIC OVERLAY DISTRICT'. It was prepared for the City of Raleigh by Mary Ruffin Hanbury of Hanbury Preservation Consulting in Raleigh, NC, on October 2015. The report was edited by City of Raleigh staff on January 2016. It is based on the 2001 National Register Nomination by J. Dan Pezzoni of Landmark Preservation Associates.

# Investigation and Report

- Neighborhood or City Council initiated
- Prepared by an architectural historian
- Results presented to Raleigh Historic Development Commission



# RHDC Vote & Referral

- Raleigh Historic Development Commission vote
  - If found to meet the criteria for designation, demolitions are subject to a possible 180-day delay
- Referred to City Council
- City Council refers to State Historic Preservation Office (SHPO)
- SHPO provides comments within 30-days

# Rezoning

- Rezoning application with report and investigation and SHPO comments
- Requires neighborhood meeting with affected property owners
- Reviewed by Planning Commission and City Council
- Decision process includes Public Hearing (No required percentage property owner buy-in. City Council discretion.)

## Rezoning Process



★ Indicates opportunity for public input

# Thanks!

Read more in UDO Sec. 5.4.1. General Historic Overlay District (-HOD-G) and 5.4.2 Streetside Historic Overlay District (-HOD-S)

To learn more about overlays, visit [www.RaleighNC.gov](http://www.RaleighNC.gov) and search for “Character Preservation.”

[tania.tully@raleighnc.gov](mailto:tania.tully@raleighnc.gov)

919-996-2674